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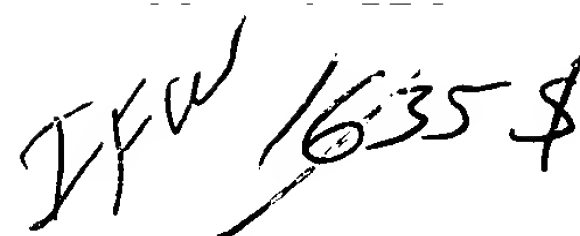
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PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Complete if Known

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

| | |
|----------------------|-------------------|
| Application Number | 09/724,425 |
| Filing Date | November 28, 2000 |
| First Named Inventor | John C. Reed |
| Examiner Name | Jane J. Zara |
| Art Unit | 1635 |
| Attorney Docket No. | 04040/1200990-US |

METHOD OF PAYMENT (check all that apply)

| | | | | | | | | | |
|-------------------------------------|-------|--------------------------|-------------|--------------------------|-------------|--------------------------|-------|--------------------------|------|
| <input checked="" type="checkbox"/> | Check | <input type="checkbox"/> | Credit Card | <input type="checkbox"/> | Money Order | <input type="checkbox"/> | Other | <input type="checkbox"/> | None |
|-------------------------------------|-------|--------------------------|-------------|--------------------------|-------------|--------------------------|-------|--------------------------|------|

| | |
|------------------|--|
| Deposit Account: | |
|------------------|--|

Deposit
Account
Number

04-0100

Deposit
Account
Name

Darby & Darby P.C.

The Director is authorized to: (check all that apply)

| | | |
|-------------------------------|---|-------------------------|
| Charge fee(s) indicated below | X | Credit any overpayments |
|-------------------------------|---|-------------------------|

Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| | Large Entity | Small Entity |
|--|---|---|
| 1. Revenue Recognition | Revenue is recognized when the performance obligation is satisfied, which is when control of the goods or services is transferred to the customer. | Revenue is recognized when the performance obligation is satisfied, which is when control of the goods or services is transferred to the customer. |
| 2. Cost of Sales | Cost of sales is recognized when the revenue is recognized, and it is measured at the cost incurred to produce the goods or services. | Cost of sales is recognized when the revenue is recognized, and it is measured at the cost incurred to produce the goods or services. |
| 3. Impairment of Financial Assets | Impairment of financial assets is recognized when there is a significant increase in the credit risk of the asset, and the impairment is measured at the difference between the carrying amount and the present value of the expected cash flows. | Impairment of financial assets is recognized when there is a significant increase in the credit risk of the asset, and the impairment is measured at the difference between the carrying amount and the present value of the expected cash flows. |
| 4. Provisions | Provisions are recognized when there is a present obligation as a result of a past event, and the amount of the provision is measured at the best estimate of the amount required to settle the obligation. | Provisions are recognized when there is a present obligation as a result of a past event, and the amount of the provision is measured at the best estimate of the amount required to settle the obligation. |
| 5. Share-based Payments | Share-based payments are recognized when the entity receives services from employees or directors, and the amount of the payment is measured at the fair value of the equity instrument issued. | Share-based payments are recognized when the entity receives services from employees or directors, and the amount of the payment is measured at the fair value of the equity instrument issued. |
| 6. Financial Instruments | Financial instruments are recognized when the entity enters into a contract that gives rise to a financial asset or financial liability, and the instrument is measured at the fair value of the instrument. | Financial instruments are recognized when the entity enters into a contract that gives rise to a financial asset or financial liability, and the instrument is measured at the fair value of the instrument. |
| 7. Leases | Leases are recognized when the entity enters into a contract that gives rise to a lease, and the lease is measured at the present value of the lease payments. | Leases are recognized when the entity enters into a contract that gives rise to a lease, and the lease is measured at the present value of the lease payments. |
| 8. Intangible Assets | Intangible assets are recognized when the entity acquires an intangible asset, and the asset is measured at the cost of the asset. | Intangible assets are recognized when the entity acquires an intangible asset, and the asset is measured at the cost of the asset. |
| 9. Goodwill | Goodwill is recognized when the entity acquires a business, and the goodwill is measured at the difference between the cost of the business and the fair value of the identifiable intangible assets. | Goodwill is recognized when the entity acquires a business, and the goodwill is measured at the difference between the cost of the business and the fair value of the identifiable intangible assets. |
| 10. Provisions for Contingent Liabilities | Provisions for contingent liabilities are recognized when there is a present obligation as a result of a past event, and the amount of the provision is measured at the best estimate of the amount required to settle the obligation. | Provisions for contingent liabilities are recognized when there is a present obligation as a result of a past event, and the amount of the provision is measured at the best estimate of the amount required to settle the obligation. |

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|----------|----------|----------|----------|------------------------|----------|
| 1001 | 770 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

| | | |
|---------------------|-------------|-------------|
| SUBTOTAL (1) | (\$) | 0.00 |
|---------------------|-------------|-------------|

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | Extra Claims | Fee from below | Fee Paid |
|-----------------------|---------------------------|------------------------|----------------------|------------------------|
| Total Claims | <input type="text"/> -72= | <input type="text"/> x | <input type="text"/> | = <input type="text"/> |
| Independent Claims | <input type="text"/> -36= | <input type="text"/> x | <input type="text"/> | = <input type="text"/> |
| Multiple Dependent | | | <input type="text"/> | = <input type="text"/> |

| Large Entity | Small Entity |
|---|--|
| <p>1. Revenue Recognition</p> <p>Large entities use the percentage of completion method for long-term contracts, recognizing revenue as work progresses. Small entities often use the cost of sales method, recognizing revenue only when the contract is completed.</p> | <p>1. Revenue Recognition</p> <p>Small entities typically use the cost of sales method for long-term contracts, recognizing revenue only when the contract is completed.</p> |
| <p>2. Inventory Valuation</p> <p>Large entities use the FIFO (First In, First Out) method for inventory valuation. Small entities may use the LIFO (Last In, First Out) method, which can provide a tax advantage in periods of rising prices.</p> | <p>2. Inventory Valuation</p> <p>Small entities may use the LIFO (Last In, First Out) method for inventory valuation, which can provide a tax advantage in periods of rising prices.</p> |
| <p>3. Depreciation</p> <p>Large entities use the MACRS (Modified Accelerated Cost Recovery System) for depreciation. Small entities may use the straight-line method for depreciation.</p> | <p>3. Depreciation</p> <p>Small entities may use the straight-line method for depreciation.</p> |
| <p>4. Lease Accounting</p> <p>Large entities use the ASC 842 (Leases) for lease accounting. Small entities may use the ASC 840 (Leases) for lease accounting.</p> | <p>4. Lease Accounting</p> <p>Small entities may use the ASC 840 (Leases) for lease accounting.</p> |
| <p>5. Goodwill Impairment</p> <p>Large entities use the ASC 350 (Intangible Assets) for goodwill impairment testing. Small entities may use the ASC 350 (Intangible Assets) for goodwill impairment testing.</p> | <p>5. Goodwill Impairment</p> <p>Small entities may use the ASC 350 (Intangible Assets) for goodwill impairment testing.</p> |

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
|----------|----------|----------|----------|--|
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid |
| 1204 | 86 | 2204 | 43 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

| | | |
|---------------------|-------------|-------------|
| SUBTOTAL (2) | (\$) | 0.00 |
|---------------------|-------------|-------------|

****or number previously paid, if greater; For Reissues, see above**

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Small Entity |
|---|--|
| <p>1. Revenue Recognition</p> <p>Large entities use the percentage of completion method for long-term contracts, recognizing revenue as work progresses. Small entities often use the cost of sales method, recognizing revenue only when the contract is completed.</p> | <p>1. Revenue Recognition</p> <p>Small entities typically use the cost of sales method for long-term contracts, recognizing revenue only when the contract is completed.</p> |
| <p>2. Inventory Valuation</p> <p>Large entities use the FIFO (First In, First Out) method for inventory valuation. Small entities may use the LIFO (Last In, First Out) method, which can provide a tax advantage in periods of rising prices.</p> | <p>2. Inventory Valuation</p> <p>Small entities may use the LIFO (Last In, First Out) method for inventory valuation, which can provide a tax advantage in periods of rising prices.</p> |
| <p>3. Depreciation</p> <p>Large entities use the MACRS (Modified Accelerated Cost Recovery System) for depreciation. Small entities may use the straight-line method for depreciation.</p> | <p>3. Depreciation</p> <p>Small entities may use the straight-line method for depreciation.</p> |
| <p>4. Lease Accounting</p> <p>Large entities use the ASC 842 (Leases) for lease accounting. Small entities may use the ASC 840 (Leases) for lease accounting.</p> | <p>4. Lease Accounting</p> <p>Small entities may use the ASC 840 (Leases) for lease accounting.</p> |
| <p>5. Goodwill Impairment</p> <p>Large entities use the ASC 350 (Intangible Assets) for goodwill impairment testing. Small entities may use the ASC 350 (Intangible Assets) for goodwill impairment testing.</p> | <p>5. Goodwill Impairment</p> <p>Small entities may use the ASC 350 (Intangible Assets) for goodwill impairment testing.</p> |

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|---------------------|----------|----------|----------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge – late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge – late provisional filing fee or cover sheet. | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive – unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37CFR 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) | | | | Terminal Disclaimer | 55.00 |

*Reduced by Basic Filing Fee Paid

| | | |
|---------------------|-------------|--------------|
| SUBTOTAL (3) | (\$) | 55.00 |
|---------------------|-------------|--------------|

SUBMITTED BY

(Complete *if applicable*)

| | |
|-------------------|-----------------|
| Name (Print/Type) | S. Peter Ludwig |
|-------------------|-----------------|

Registration No.
(Attorney/Agent)

25.351

| | |
|-----------|---------------|
| Telephone | (212)527-7700 |
|-----------|---------------|

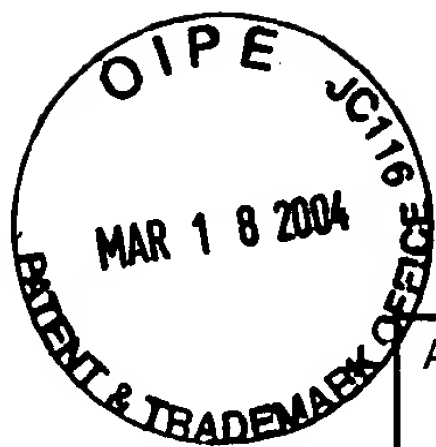
Signature

Date March 18, 2004

Express Mail Label No.

Dated: _____

{W:\04040\1200990us7\00153797.DOC {XX}}



Application No. (if known): 09/724,425

Attorney Docket No.: 04040/1200990-US7

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EL 9839 4686 2us in an envelope addressed to:

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on March 18, 2004
Date

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Typed or printed name of person signing Certificate

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Certificate of Express Mailing (1 page)

Fee Transmittal (1 page)

Check No. 4481 in the amount of \$55.00

Response to Office Action of December 18, 2003 under 37 C.F.R. 1.111
(6 pages) with Tabs A-G

TAB A: Revocation Power of Attorney (2 pages)

TAB 1: Copy of Recorded Assignment (4 pages)

TAB B: Sequence Listing (Paper and CRF (1 diskette))

TAB C: Terminal Disclaimer (3 pages)

TAB D: Copy of Preliminary Amendment and Sequence Listing filed
November 28, 2000

TAB E: Copy of Amendment filed November 5, 2001

TAB F: Copy of Office Action dated July 3, 2001

TAB G: Copy of Terminal Disclaimer filed May 11, 1999

Return Receipt Postcard.



UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/724,425 ✓ 11/28/00 REED

J 10412-026 ✓

| EXAMINER |
|----------|
|----------|

HM22/0703

LAURA A CORUZZI
PENNIE & EDMONDS LLP
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036-2711

2001

| SCHMIDT, M | |
|------------|--------------|
| ART UNIT | PAPER NUMBER |

1635
DATE MAILED:

07/03/01

Amendment: 10/3/01

(2)

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| |
|----------------------------|
| REFERRED TO <u>P. Shea</u> |
| REC'D |
| JUL 06 2001 |
| Pennie & Edmonds |
| O.K. for filing |

Office Action Summary

Application No.

09/724,425

Applicant(s)

REED, JOHN C.

Examiner

Mary Schmidt

Art Unit

1635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

KATRINA TURNER
PATENT ANALYST

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

Art Unit: 1635

DETAILED ACTION

1. Applicant's election with traverse of Group II in Paper No. 5 is acknowledged. No ground(s) for traversal were provided. Therefore, the election is treated as non-traversed.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in Paper No. 5, filed 5-07-01.

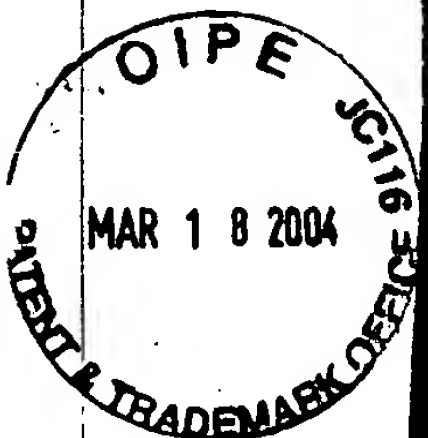
Specification

2. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification (37 CFR 1.78).

In the instant case, the specification needs to be updated to include all parent cases and their current status.

3. The Brief Description of the Drawings on page 8 needs to include the sequence identifiers of the sequences in Figure 13.



Express Mail No. EL 501 636 137 US First Class Mail ()
Date Mailed November 28, 2000
Serial No.: To Be Assigned Filed: Concurrently Herewith
Applicant: John C. REED
FOR: REGULATION OF BCL-2 GENE EXPRESSION

The stamp of the Patent Office hereon shall be taken as an acknowledgement on the date stamped receipt of the following:

- (X) Utility Patent Application Transmittal
- (X) Patent Application Fee Value (in duplicate)
- (X) Copy of application from 09/375,514, filed August 17, 1999 (with new claims 1-24)
- (X) Copy of executed Declaration from 09/375,514, filed August 17, 1999
- (X) Copy of recorded Assignment from 08/124,256, filed September 20, 1993
- (X) Copy of Request for Preparation of a Computer Readable Sequence Listing and Statement including a paper copy of the Sequence Listing from 09/375,514, filed August 17, 1999

OTHER: _____

File No.: 10412-026-999

Sender: LAC/JZB/PYS

Express Mail No. EL 501 636 137 US First Class Mail ()
Date Mailed November 28, 2000 Filed: Concurrently Herewith
Serial No.: To Be Assigned
Applicant: John C. REED
FOR: REGULATION OF BCL-2 GENE EXPRESSION

The stamp of the Patent Office hereon shall be taken as an acknowledgement on the date stamped receipt of the following:

- (X) Utility Patent Application Transmittal
- (X) Patent Application Fee Value (in duplicate)
- (X) Copy of application from 09/375,514, filed August 17, 1999 (with new claims 1-24)
- (X) Copy of executed Declaration from 09/375,514, filed August 17, 1999
- (X) Copy of recorded Assignment from 08/124,256, filed September 20, 1993
- (X) Copy of Request for Preparation of a Computer Readable Sequence Listing and Statement including a paper copy of the Sequence Listing from 09/375,514, filed August 17, 1999

OTHER: _____

File No.: 10412-026-999

Sender: LAC/JZB/PYS



Express Mail No. EL 477 032 297 US First Class Mail ()
Date Mailed November 5, 2001
Serial No.: 09/724,425 Filed: November 28, 2000
Applicant: John C. REED
FOR: REGULATION OF BCL-2 GENE EXPRESSION

The stamp of the Patent Office hereon shall be taken as an acknowledgement on the date stamped receipt of the following:

- (X) Amendment Under 37 C.F.R. § 1.111
- (X) Exhibit A (marked up replacement paragraphs of specification)
- (X) Exhibit B (marked up amended claims)
- (X) Exhibit C (pending claims after entry of present amendment)
- (X) Exhibit D (copy of Webb et al., 1997, Lancet 349:1137-1141)
- (X) Exhibit E (Waters et al., 2000, J Clin Oncol. 18:1812-1823)
- (X) Exhibit F (Delihas, 2001, Curr Drug Targets 2:167-180)
- (X) Petition for Extension of Time Under 37 C.F.R. § 1.136(a) (in duplicate)

OTHER: _____

File No.: 10412-026-999

Sender: LAC/JZB/PYS

For Geneva
Can Filed
11/28/00

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TO ADDRESSEE**



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| PO ZIP Code 10001 | Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second | Flat Rate Envelope <input type="checkbox"/> |
| Date In 11/28/00 Mo. Day Year | <input type="checkbox"/> 12 Noon <input checked="" type="checkbox"/> 3 PM | Postage \$ 18.50 |
| Time In 2:30 PM <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM | Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day | Return Receipt Fee |
| Weight 1 lbs. 0 oz. | Int'l Alpha Country Code | COD Fee Insurance Fee |
| No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday | Acceptance Clerk Initials [Signature] | Total Postage & Fees \$ 18.50 |

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- original in 10412-024 file